



Indiana State
Department of Health
An Equal Opportunity Employer

Michael R. Pence
Governor

Jerome M. Adams, MD, MPH
State Health Commissioner

March 31, 2016

To Whom It May Concern:

This letter serves to address any questions or concerns that may arise regarding public health investigation and surveillance activities and rules as they relate to patient privacy protection. The local health department (LHD) and Epidemiology Resource Center of the Indiana State Department of Health (ISDH) conduct surveillance for several communicable diseases and other public health conditions in their capacity as public health authorities as defined by the Health Insurance Portability and Accountability Act (HIPAA), Standards for Privacy and Individually Identifiable Health Information; Final Rule (Privacy Rule) [45 CFR 164.501].

The authority to conduct surveillance, investigate cases, and implement intervention measures is stated in the Communicable Disease Reporting Rule of the Indiana Administrative Code (IAC). The law [410 IAC 1-2.5-77(a)] states "...Prior approval from a patient is not required before releasing medical or epidemiological information to the local health department or the department or state designated districts." The local health officer or designee, under 410 IAC 1-2.5-77(d), shall "obtain[ing] laboratory and clinical data necessary for case ascertainment."

Pursuant to 45 CFR 164.512(b) of the Privacy Rule, covered entities such as hospitals may disclose, without individual authorization, protected health information to public health authorities "...authorized by law to collect or receive such information for the purpose of preventing or controlling disease, injury, or disability, including, but not limited to, the reporting of disease, injury, vital events such as birth or death, and the conduct of public health surveillance, public health investigations, and public health interventions...". Therefore, release of patient information by hospitals and health care providers to local health departments and the ISDH in the course of public health surveillance and investigations does not violate HIPAA.

Thank you for your continued cooperation in these surveillance efforts and contributions to our shared mission of protecting the health of our population. Please let me know if you have any questions.

Sincerely,

Pamela R. Pontones, MA
State Epidemiologist
Director, Epidemiology Resource Center



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